

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

DANIEL MELCHIOR,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 4:11CV01444 AGF
	)	
PAINTERS DISTRICT COUNCIL NO. 2,	)	
KEITH POWELL, and PARIC	)	
CORPORATION,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

This matter is before the Court on the two remaining Defendants' separate motions requesting that the Court decline to exercise supplemental jurisdiction, pursuant to 28 U.S.C.A. § 1367(c)(3), over the only remaining claims in this case, which are state law claims. Upon review of the record, the Court concludes that the two motions should be granted. *See, e.g., Johnson v. City of Shorewood, Minn.*, 360 F.3d 810, 819 (8th Cir. 2004) (holding that in a case in which all federal-law claims are eliminated before trial, the balance of factors to be considered under § 1367(c)(3) point toward declining to exercise jurisdiction over the remaining state-law claims). Although Defendants requested in their motions that the dismissal be with prejudice, the dismissal of the state claims under § 1367(c)(3) is properly without prejudice. *See, e.g., Romero v. Pinnacle Equities, LLC*, 283 F. App'x 429, 431 (8th Cir. 2008). At a telephone conference with

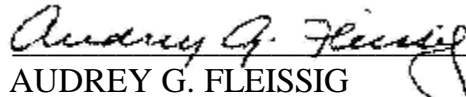
counsel on June 11, 2012, all parties agreed to the dismissal of state law claims without prejudice.

Accordingly,

**IT IS HEREBY ORDERED** that Defendant Paric Corporation's motion to dismiss Plaintiff's state law claims against it for lack of jurisdiction is **GRANTED**, with said dismissal to be without prejudice. (Doc. No. 72.)

**IT IS FURTHER ORDERED** that Defendant Keith Powell's motion to dismiss Plaintiff's state law claims against him for lack of jurisdiction is **GRANTED**, with said dismissal to be without prejudice (Doc. No. 74.)

All claims against all parties having been resolved, a separate Judgment and Order of Dismissal shall accompany this Memorandum and Order.

  
AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE

Dated this 21st day of June, 2012.